



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

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King County Charter Review Commission
Meeting Minutes – January 29, 2008
Chinook Bldg., 5:30pm-7:30pm

The meeting of the King County Charter Review Commission was called to order by co-chair Mike Lowry at 5:36 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Juan Bocanegra
Doreen Cato
Jim English
Dan Gandara
Bryan Glynn
Darcy Goodman
John Groen
Kirsten Haugen
Tara Jo Heinecke
John Jensen
Terry Lavender
Gary Long
Allan Munro
Sarah Rindlaub
Mike Wilkins

Absent:

Trisha Bennett
Gregg Hirakawa
Sharon Maeda
James Williams

Staff:

Mark Yango, Charter Review Coordinator
Corrie Watterson Bryant, Project Manager, Charter Review Commission
Charlotte Ohashi, Administrative Assistant, Charter Review Commission

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council

Mike Sinsky, Prosecuting Attorney's Office

Rebecca Cusack, King County Council Liaison to the Commission

Nick Wagner, King County Council Co-Liaison to the Commission

Grace Reamer, Legislative Aide, Councilmember Kathy Lambert, District 3

1. Opening Remarks and Introductions

Minutes from December 11, 2007 were approved unanimously as distributed.

2. Recap on Voting Procedures

Mike Lowry explained that the procedure will be how the commission will vote and move forward the proposed amendments to the council and the executive. Although the procedure was discussed at the last meeting, the group did not have a quorum to adopt the procedures.

Mark Yango explained that the procedures were discussed extensively at the last meeting and went through a presentation of what was recommended at the last meeting.

- Roll call vote: Char Ohashi will call the roll call votes on any final actions taken for amendments. This will help with accuracy and historical purposes.
- Two-stage deliberation process which will take place over 2 consecutive meetings:
 - For every issue that comes to the commission for action, the 1st stage will be just discussion only
 - At the next meeting, discussion can continue but final action on the issue will be taken
- Quorum: there was some concern on how many commissioner votes would be needed to pass an issue.
 - Initial passage: majority quorum (11 commissioners) would require 6 votes to move an issue forward.
 - Final passage: requires 11 affirmative votes for passage of amendments being sent to council for final report. Final votes would happen before the public outreach meetings but it still can be reconsidered after the public meetings happen.

Agreement: Reconsideration of the final vote may take a majority vote by the commissioners to re-visit the issue for further discussion after the public hearings.

- Minority Opinions Report will give the opportunity to respond to all amendments examined.
- Teleconferencing votes in case of illness or emergency travel situations, will be allowed at the discretion of the chairs.

MOTION: moved to adopt the procedures as outlined.

Motion was seconded.

VOTE: Approved: unanimous

Opposed: 0

- Prioritization of the proposed amendments:
 - The submission goal is to submit no more than 10 substantive amendments as opposed to technical/housekeeping amendments.
 - If the list is more than 10 proposed amendments, the commission can suggest a timeline to the council and executive on what years an amendment could go to ballot so as not overwhelm the council and the voters with list.
 - Voting on re-visiting and/or adjusting the final package to council can be done after the public outreach and cooperatively with council and council staff.
- Process for sending package to council:
 - Mid March to early April – begin drafting the commissions recommendations
 - Late March – Commission approve final recommendation draft
 - Between April 1 – 15: conduct 3-4 public outreach for recommendation review
 - April 22 & 29 – commission to discuss the final draft and prioritize list
 - May 30 – submit report to the council
 - Sept. 19 – final day for council action (Charter deadline – 45 days before general election)
 - Nov. 8 – General election day

Gov. Lowry suggests that the commission request an audience with the county council, more than likely go before the Committee of the Whole (COW), to make a presentation to the council with an executive summary or overview of the proposals with attendance by the co-chairs of the commission and its subcommittees but ideally would like to see as much participation from all the commissioners as possible.

- Public outreach meetings
 - Suggested 4 outreach meetings: Kent, West Seattle, Preston, Shoreline
 - Staff will put together a list w/ suggested dates and times in order to get them onto the commissioners calendars.

3. Subcommittee Issues – 1st discussion

Governmental Structure Subcommittee:

- Initiative Process: should the charter establish a procedure for charter amendments by citizen's initiative and, if so, what should the signature threshold be. This issue was raised in several public hearings by the County Executive, Councilmember Phillips, the KC Democrats and Republicans, stemming from a court decision that will now allow the citizen's initiative process. Currently the charter explicitly provides only for the county council to place charter amendments on the ballot and does not provide specify the signature threshold for charter amendments by citizen's initiative. As a result of the court decision, the current signature threshold is 10% of votes cast in the last KC Executive election

Subcommittee recommendation: The charter should be amended to explicitly include the citizen's initiative process with a signature threshold of 20% of the votes cast for the office of KC Executive election in the most recent election for that office, which is consistent with most other Washington home rule charter counties.

The difference in numbers between a governor's race, which takes place in presidential election years, and the executive race, which takes place in the year following the presidential election, was discussed. It was noted that there is at least a 20% increase in voters during the governor's race which would raise the signature threshold base significantly. Amending the state constitution can only be done by the state legislature with 2/3 votes of each house.

There was some question on language that seemed ambiguous and perhaps needs to be clarified. It was agreed that Mike Sinsky will clarify the language and bring to the next meeting for action.

- Elected Charter Review Commissioners: Should the charter review commission be elected or appointed? The PAO opined that the state constitution allowed only a "legislative authority" to put charter amendments on the ballot and that the CRC members would need to be elected in order for the CRC to constitute a legislative authority under the state constitution.

Subcommittee recommendation: The subcommittee's vote was split 4 – 4 . No recommendation.

In all other home rule charter counties in WA State, the proposed amendments of the commission go straight to ballot. It was noted that this process is very important since it will influence the lives of KC citizens.

This issue was raised because some members stated that CRC amendments of substance in the past seemed to be ignored by council but the council would take action on the non-substantive housekeeping/technical amendment changes. In looking at the charter, commissioners felt this is a very serious process and should result in changes being decided by the voters. The charter states that changes must be legislative but how does an appointed commission make and ensure those changes.

Concerns:

It was suggested that if the commission were to become an elected commission, there needs to be a good process that educates the community at large of its existence. A concern with being an elected process is that the positions would probably be placed towards the end of the ballot and voters tend to become complacent with their votes when coming to the end of the ballot and also there is a concern with a candidate being subject to special interest groups influences.

Is there more value added by going to an elected body than there is with the current public process and appointed body that seems to have been working well for the past 40 years. Perception seems to be that an elected body will bring people with specific agendas vs. a diverse representation with an appointed body. Since this is an unpaid position, would there be enough candidates and would the voters really pick or have the opportunity to pick from a pool of candidates as diverse of a group as it is this time who have worked so collaboratively with each other. With an appointed commission, there are not any outside influences.

The current structure doesn't seem to present a fair process for the appointed commission who have worked so diligently and seriously over the last year only to have their work negated by non-action. However, Ms. North pointed out that with her extensive experience this is the first

review session she's has experienced where there has been such tremendous cooperation between staff of the executive office, council and prosecuting attorney.

It was suggested as perhaps a compromise that the candidates be nominated by the council and executive so that the screening process is in place and those nominees then go to the ballot for voter approval which means that the group will have the legislative authority with recommendations that go straight to ballot.

The subcommittee had discussed the possibility of having 2 appointments by each councilmember and possibly 3 appointments by the executive and then going to the voters but the legal issue relates to a constitutional provision that the legislative authority is one that would be proposing charter amendments and what constitutes a legislative authority is not entirely clear. It would clearly include the council but could make a very strong argument that an elected charter commission could be considered a legislative authority for that provision. However, the goal for this recommendation is to make the whole review process meaningful.

Need to think about the chances of this recommendation, which is taking away authority from the council, being passed by the council or even being considered. In all probability it may be very small so perhaps this discussion and consideration may be a waste of time and effort.

- Electing/Appointing of elections director, assessor, and sheriff: Arguments have been made to keep the elections director as an appointed position and to return the sheriff to an appointed position

Subcommittee Recommendation: maintain the status quo of the positions of the assessor and sheriff leaving them as an elected position and in light of I-25 going to the ballot in Nov., 2008, the subcommittee recommendation that the full commission take no position at this time on the position of the elections director.

No comments or discussion.

- Qualifications for assessor and elections director: this issue was raised in subcommittee to provide more rigorous qualifications for these two positions and having a higher level of transparency and accountability for the positions ensuring that the right person is in the position whether elected or appointed.

Subcommittee recommendation: The subcommittee looked at 2 options in terms of charter language that would allow for additional qualifications to be established by ordinance and picked Option 1 with language being added to 340.50 *Additional qualifications for the manager of the elections division may be established by ordinance.*, and language being added to Section 630 Qualifications: (last sentence)(*office of the assessor,*) *or the director of elections,*.....

Language in 340 is to keep parallel with Sect. 630 and reflects the language in I-25. Some discussion and clarification between the proposed language in the 2 options.

- Instant Run-off Voting: Should the voting practice of instant run-off voting be implemented in King County.

Subcommittee recommendation: Full commission not recommend the implementation of instant run-off voting in King County at this time, since KC Elections is going through significant changes i.e. transition to all mail balloting. Also recommends encouraging the county to monitor how effective the IRV works in Pierce County and other jurisdictions that have already implemented the system and revisit the issue in a later year.

It was suggested that some process or structure be recommended for the county to revisit this issue.

- **Partisanship/nonpartisanship:** should the county's elected office of KC Executive, KC Council and KC Assessor be nonpartisan.

Subcommittee recommendation: The full commission take no position on the issue.

No questions or comments

Regional Governance Subcommittee

- **KC Library System:** Issue was raised by KC Library Board of Trustees and patrons on the System's operations, management and leadership. In research and discussion, the subcommittee found that the issue could not be addressed in the charter.

Subcommittee recommendation: Although the library system is governed primarily by state law, to show that the concerns were heard and an attempt was being made to facilitate a solution to what the committee considered valid issues, the subcommittee recommends that the full commission send letters to the Executive, the Board of Trustees, and KC Council, urging them to take action that would improve the library system. The Board of Trustees was asked to open their meetings to the public. The executive was asked to do more public outreach in nominating trustees. The Council was asked to request that the state look at increasing the number of trustees on the library board. These letters will go out concurrently with the council report.

The Subcommittee suggests that rather than written letters, a committee report go into the final recommendations outlining the implied solutions since the report would be given wider distribution than the letters.

4. Review of Technical Issues – 2nd discussion

Sexual Orientation Language: Language involves adding "sexual orientation" as a prohibited basis of discrimination in employment or compensation.

Budget Allotments: Original intent was to set up checks and balances for a non-existent system when the charter was first established. The technology and monitoring being used now takes the place of the checks and balances and it's felt the language can be stricken from the charter. The council and executive are in unanimous agreement.

Transitory Provisions: The language reflects the transition from non-charter form of government to the current charter governance and it's felt the language is no longer relevant.

Subcommittee recommendation: strike Article 9, up to the last 2 sentences in 350.20.30 and Section 990 should be retained because they affirm officials actions taken before the charter was effective.

Suggested that since these 3 issues were presented at the December meeting which didn't have a quorum and it was before the discussion protocol was in place, that this be considered the 1st discussion with action to take place at the next meeting.

5. Miscellaneous

A possible future discussion item: how to increase the profile and visibility of the work done by the commission. How to elevate the commission's presence. What is the program for making sure the world knows what the commission is doing is important.

Next Meeting: Tuesday, February 26, 2008

Additional Meeting: Tuesday, April 22, 2008

February and March meetings will be used for discussion the issues and the 2 April meetings will be used for discussing the public comments, if any, prioritizing the final recommendations, if needed.

Co-chair Mike Lowry adjourned the meeting at: 7:43 pm

Respectfully submitted by Charlotte Ohashi